

# Exhibit A



Nicholas George &lt;ngeorge@swartz-legal.com&gt;

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**RE: Bobryk/Durand**

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Moyer, Aaron M. &lt;Aaron.Moyer@dbr.com&gt;

Tue, Jul 9, 2013 at 5:40 PM

To: "Nicholas George (ngeorge@swartz-legal.com)" &lt;ngeorge@swartz-legal.com&gt;

Cc: "Barton, Thomas J." &lt;Thomas.Barton@dbr.com&gt;

Nick,

In response to your email below regarding Durand's privilege log:

(1) The documents that have been withheld under the self-critical analysis privilege are documents related to compliance audits. The audits were initiated by various customers of Durand Glass and are done periodically to ensure that Durand is in compliance with appropriate laws and standards. The documents withheld under this privilege are the audits themselves and related communications. The audits and communications are a self-critical analysis to ensure compliance with employment laws. *See Bracco Diagnostics, Inc. v. Amersham Health Inc.*, 2006 U.S. Dist. LEXIS 75359 (D.N.J. Oct. 13, 2006). If you would like more information, please let us know.

(2) In response to each of the emails listed:

- 6/18/2013, "FW: Emailing: Line Layout example.pdf" – This document relates to cold end packers and is not relevant to Ms. Bobryk.

- 6/14/2013, "FW: Lashon Golden CE dates" – This document was prepared at the direction of counsel on June 14, 2013 for the pending litigation and is privileged as work product. It was emailed by Arline Ervin to Stephanie Ojeda on June 14, 2013, and Stephanie Ojeda then forwarded it to Aaron Moyer, Kathy Mauro, and Tom Reed the same day.

- 12/20/2012, "FW: Costco Audit corrective Action" – This is privileged under the self-critical analysis privilege, as noted in Durand's privilege log. See also 4/6/2011 entry on Durand's privilege log.

- 12/18/2012, "FW: STR audit corrective action.4.1.11-xls.zip" – As noted in Durand's privilege log, this is privileged under the self-critical analysis privilege. See 4/4/2011 entry on Durand's privilege log.

- 12/18/2012, "FW: Scan from DGMC Moldshop" – This document has been produced. See DURAND—00726.

- 12/18/2012, "FW: ARC International North America/Durand Glass Mfg. Co./CCW11-741" – As noted in Durand's privilege log, this is privileged under the self-critical analysis privilege. See also 3/25/2011 entry on Durand's privilege log.

- 11/15/2012, "FW: Employee Info File" – This document was prepared in light of the pending litigation and emailed from Lisa Sutton to Tom Reed on September 11, 2012 and is protected under the work product doctrine. Tom Reed subsequently emailed the document to Aaron Moyer and Tom Barton.
- 11/15/2012, "FW: Punching IN & OUT" – This document has been produced. See DURAND-719 – 722.
- 11/15/2012, "FW: shop moved" – This email string is privileged as it pertains to communications and information by counsel for the pending litigation. The original email was sent from Angel Chavez to Stephanie Ojeda on November 15, 2012, and was subsequently forwarded to Tom Reed and then to Tom Barton and Aaron Moyer on the same day.
- 10/16/2012, "FW: Durand Glass – Rounding Time and Policy \*\*PRIVILEGED AND CONFIDENTIAL\*\*" – There is one underlying email in this string, which is a privileged email from Aaron Moyer to Tom Barton. Tom Barton then forwarded this email to Tom Reed with additional attorney-client privileged information.

If you have specific questions or would like additional information, please let me know

(3) We are aware of no such emails or written communications related to the declarations or this matter.

In addition, I am still waiting for your confirmation that all of Ms. Bobryk's communications with potential class members have been produced. As to social media communications, and Facebook in particular, this obviously may require more than just accepting Ms. Bobryk's "friend" request on Facebook, but rather include a diligent search of her Facebook activity, including private messages sent or received and postings to other individuals.

Finally, attached are the additional time punch records and wage records for the opt-in plaintiffs and additional declarations.

Regards,

Aaron

**From:** Nicholas George [mailto:ngeorge@swartz-legal.com]  
**Sent:** Friday, June 28, 2013 12:55 PM  
**To:** Moyer, Aaron M.  
**Cc:** Justin Swidler  
**Subject:** Re: Bobryk/Durand

Dear Aaron:

I have reviewed Durand's Privilege Log in this matter. I write in connection with the following issues: